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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CLEMENT CHAN,)
)
Defendant.)

No.: CR 06-113 PJH

PARTIES' STIPULATION AND
~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER SPEEDY TRIAL ACT

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared before this Court on April 5, 2006 for the defendant's initial appearance on the indictment.

2. Subsequent to a bail review hearing, the Court agreed to continue the matter until May 17, 2006 for change of plea or trial setting.

3. Counsel for the defendant indicated that he required additional time to receive and review the forensic discovery in this matter. The defendant requested an exclusion of time based upon effective preparation of counsel. The request was granted by the Court.

4. The parties move that the time period from April 5, 2006 through May 17, 2006, be excluded from the calculation of time under the Speedy Trial Act due to effective preparation of

counsel.

5. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

6. For the reasons stated, the time period from April 5, 2006 through May 17, 2006, shall be excluded from the calculation of time under the Speedy Trial Act.

SO STIPULATED.

DATED: 4/10/06

Respectfully Submitted,

/s/
SUSAN R. JERICH
Assistant United States Attorney

DATED: 4/11/06

/s/
GARRICK LEW
Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 4/13/06

HON. PHYLLIS J. HAMILTON
Judge, United States District Court



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Parties' Stipulation and Proposed Order in the case of United States v. Clement Chan No. CR 06-113 PJH, was served today as follows:

Via Facsimile
Garrick Lew, Esq.
600 Townsend Street, Suite 329E
San Francisco, CA 94103
FAX: 415-522-1506

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 4/10/06 at San Francisco, California.

_____/s/
Rawaty Yim
United States Attorney's Office